IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23806 of 2002

Between:

Sri Kailash Sugars & Chemicals Ltd., (Now known as Kakatiya Cement Sugar & Industries Ltd.,) Kallur, Khammam
District, Rep. by its Managing Director, P. Venkateshwarlu

S/o. late Sri P. Veeraiah, Aged 73 years, Occ: Business,
R/o. Hyderabad.

..... PETITIONER

AND

Swarna Venkateswara Rao, S/o Seshagiri Rao,
R/o. Jannaram, Enkur Mandal, Khammam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, more in the nature of Writ of Mandamus, declaring the order in F.A.No.782/97,
dt. 6.6.2002, passed by the AP State Consumer Disputes Redressal Commission at Hyderabad, confirming the orders of the District Consumer Forum, Khammam, in O.P.No. 590/94, dt 17.9.97, as wholly illegal, untenable and unsustainable and consequently set aside the same, and pass such other order or orders as may deem fit and proper in the circumstances of the case, as otherwise the petitioner will suffer grave and irreparable loss and injury.

For the Petitioner: MR. V.HARI HARAN, Advocate.

For the Respondent: MR. K.SITA RAM, Advocate.

The Court made the following Order: (per Sri B. Sudershan Reddy,J)

The matter has been amicably settled by and between the parties and pursuant to such settlement, the petitioner today handed over a cheque for a sum of Rs.15,000/- to the respondent in this writ petition.

In this writ petition, no adjudication of the issues raised by the respondent in O.P No. 590 of 1994 is required to be undertaken. The judgment of the District Consumer Forum as affirmed by the A.P State Consumer Disputes Redressal Commission in F.A No. 782 of 1997 dated 06-06-2002 is challenged on various grounds. But having regard to the settlement, the learned counsel for the respondent sought leave of this Court to withdraw O.P No. 590 of 1994 itself. In the circumstances, O.P No. 590 of 1994 shall accordingly stand dismissed as withdrawn.

In the result, the findings recorded by the District Consumer Forum as well as the A.P State Consumer Disputes Redressal Commission shall accordingly stand set aside. The findings on questions of fact and law recorded by the A.P State Consumer Disputes Redressal Commission shall in the circumstances have no binding effect on any of the District Consumer Forums and as well as upon itself.

The Writ Petition is accordingly ordered. No order as to costs.

(B. Sudershan Reddy, J)

16-11-2004

(K.C. Bhanu, J)

ks

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Consumer Forum, Khammam.

2. The Registrar, The A.P State Consumer Disputes Redressal Commission, Hyderabad.

3. Two CD copies.